

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Misc. 11438-M of 2007

Date of Decision : 16.04.2007

Jagat Narain @ Kaka

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE S.D. ANAND

Present : Mr. Deepak Aggarwal, Advocate,
for Mr. Veneet Sharma, Advocate,
for the petitioner.

Mr. B.S. Sra, Deputy Advocate General, Punjab,
for the respondent.

S.D. Anand, J.

Heard.

As evident from a perusal of the impugned order, the allegations against the petitioner Jagat Narain @ Kaka are fairly serious in nature. He is alleged to have gone to the shop of the complainant while being armed with a deadly weapon. In the course of the impugned episode, a cash amount of Rs. 35,000/-/40,000/- and a mobile phone was stolen from the shop of the complainant. Apart therefrom, the petitioner and his companions also caused injury to one Avtar Singh.

Learned counsel for the petitioner argues that no recovery is to be effected from the possession of the accused and that the present false case had been foisted upon him. He also points out that the co-accused have already released on bail.

The learned Deputy Advocate General, Punjab, points out that the case of the present petitioner is dis-similar from the co-accused as the former has applied for the grant of anticipatory bail; while the co-accused had been arrested and released on regular bail. It is also argued that custodial interrogation of the petitioner would be required to recover the weapon used by him and also the botty which had been taken away from the shop of the complainant.

The dis-similarity of the case of the petitioner and the co-accused, as pointed out by the learned Deputy Advocate General, Punjab cannot be contested on facts on behalf of the petitioner. It is, thus, evident that the co-accused had been arrested and released on regular bail; while the present is a petition for anticipatory bail. The drawal of a parallel in the context is, thus, inappropriate.

The learned Sessions Judge has recorded a categorical finding, based on the police report, that custodial interrogation of the petitioner would be required for effecting recovery of deadedly weapon used in the course of the impugned occurrence.

No ground for grant of anticipatory bail.

Dismissed.

April 16, 2007
vkd

(S.D. Anand)
Judge